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DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF HUMAN RIGHTS
AND HUMANITARIAN AFFAIRS

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UNCLASSIFIED

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

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Exemption(s):

Declassify: ☐ In Part ☒ In Full DECONTROL☐ Classify as ☐ Extend as ☐ Downgrade to ☐
Date _____ Declassify on _____ Reason _____MEMORANDUM

TO: HA - Patricia Derian

THROUGH: HA - Roberta Cohen
HA - Richard Graham

FROM: HA/HR - Ray Jorgenson *RJ*

SUBJECT: Your Participation in Panel on "Torture in Argentina", November 6

DECONTROLBackground

There has been considerable press interest in the Panel Discussion in New York largely because of Argentina's heightened sensitivity toward criticism of human rights violations. The choice of Perez Esquivel for the Nobel Peace Prize also still rankles the GOA and is interpreted by hard-liners as part of an international conspiracy against Argentina. Judy has learned that a local television channel, Visiones, wanted to tape the discussion and televise it on November 7. Timmerman and Cox have agreed to go to the TV studio on Friday to repeat their remarks. Argentina's press has reported that the GOA has formally protested your participation to the USG as a form of interference in Argentina's internal affairs. A loose translation of the Argentine note is attached.

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Argentina continues to press for a collective, very general resolution on human rights at the OASGA rather than a country specific resolution on the IAHRC report on Argentina. The relative absence of other major issues on the OASGA Agenda will intensify the focus on human rights. Ambassador Shlaudeman reported that the GOA seems to be gearing itself up for a major hemisphere-wide campaign to turn aside a country specific resolution and that an ultimate walk-out from the OASGA is a distinct possibility.

Talking Points

On Torture:

Torture has been used on all those who disappeared and in many cases led to their death. Torture also has been used routinely on those detained for security reasons.

Psychological torture also describes the ordeal of those unable to learn the fate of their disappeared relatives or friends. Argentine cooperation with the UNHCR's working group on disappeared persons or the Church could alleviate this form of suffering. The families of the disappeared have a right to this information, as well as to access to any individuals being held secretly. It is also in Argentina's national interest to devise and carry out such a plan. This could be accomplished through the new U. N. Human Rights Commission working group or perhaps through another intermediary.

The 1979 State Department Human Rights Report on torture:

There is extensive evidence, primarily the statements of former detainees, that torture has been routinely used by the security forces. It has been most frequent during the first days of interrogation

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and, according to numerous reports, has taken such forms as the use of electric shock, immersion of the head in water, mock executions, and other types of severe physical and psychological abuse. There are also credible allegations that such practices continued in 1979, with new detainees. The national Government has publicly stated that it has never authorized the use of torture.

The draft language of the 1980 report:

There have been few reports from people detained for national security reasons during 1980. Existing reports suggest, however, that physical mistreatment continues to be used as part of the interrogation of such detainees. Testimony from former detainees indicates that torture took the form of electric shock, immersion of the head in water, mock executions, severe beatings and psychological abuse. Most observers have concluded that torture continues to be meted out to newly disappeared individuals. The Argentine constitution prohibits torture and the government has publicly stated that it has never authorized its use.

The section of the IAHRRC report on torture is attached as is the Commission's case study of Jacobo Timmerman's treatment. The IAHRRC recommended that the GOA "to conduct an in-depth investigation of the denunciation concerning the use of torture and other unlawful forms of coercion, and to punish with the full force of the law those responsible for such acts."

Amnesty International doctors have studied the damaging physical and psychological effects on torture victims in Argentina and recently published a booklet on the subject (press released attached).

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The ICRC regularly visits prisoners in Argentina and has played an important role in improving prison conditions and in reducing the practice of torture.

At the United Nations, a draft convention on torture is near completion by the Human Rights Commission. The GOA was one of the states to obstruct progress on this convention at the last U. N. Human Rights Commission session.

On the Argentine allegation that human rights advocacy constitutes interference in their internal affairs:

The Argentines are bound like all other states to adhere to the human rights obligations set forth in the United Nations Charter, the Universal Declaration of Human Rights and the American Declaration on the Rights and Duties of Man. The United States, Argentina and all other states are bound to promote respect for human rights domestically and internationally. The U. S. human rights policy is based upon its own domestic and international legal obligations.

Most recently, on September 11 in Riobamba, Ecuador, the Presidents of Ecuador, Colombia and Venezuela, and the Personal Representative of the President of Peru, signed a "Charter of Conduct". This document was also subscribed to by the Presidents of Costa Rica and Panama, and the Personal Representative of the Spanish Government. The document was inspired by a meeting to honor the 150th anniversary of the Ecuadorean constitution. The intention of the Charter is to affirm the importance of democracy and human rights for the Andean countries. The key paragraph of the Charter, as emphasized by the signing countries, is the following:

"To reiterate the solemn commitment that respect of human, political, economic and social rights

constitutes a fundamental norm of internal conduct for the states of the Andean Group, that their defense is an international obligation which is binding on the states and that, therefore, joint action undertaken to protect such rights does not violate the principle of nonintervention."

On the OAS Resolution:

Consideration of the Special Report on Argentina by the IAHRRC, issued in April 1980 as a public document, will be on the agenda of the OAS General Assembly scheduled to begin in Washington on November 19. I should stress that this procedure is not unique to Argentina. In previous years there have been special reports on Nicaragua, El Salvador, Haiti, Chile, Panama, Uruguay and Paraguay as well. These reports draw conclusions and make specific recommendations for steps by the subject governments to improve human rights conditions. This is the precedent and normal procedure we would expect would be followed in the case of Argentina this year.

On the General Human Rights Situation

The still serious human rights situation in Argentina is a major obstacle to better U. S.-Argentine relations. There has been progress in the past year; however, there are still serious problems with continued disappearances (at least 22 this year), the approximately 2,000 persons held on other than criminal charges (up to 650 remain uncharged), and the lack of independence of the judiciary in dealing with subversion cases. There has been little change in category 3 rights.

The U. S. has been deeply concerned by human rights violations in Argentina, and we have repeatedly conveyed our concerns to the highest levels of the Argentine Government. We have urged prompt return to full respect for human rights and to the rule of law. In addition, in the international financial institutions we have opposed Argentine requests for loans for projects which do not meet basic human needs. We have no AID programs in Argentina. Security assistance and sales to Argentina, including military training, were terminated on October 1, 1978, when the Kennedy-Humphrey Amendment to the Foreign Assistance Act went into effect. Even before that date, we had sharply restricted new military training programs and equipment sales because of human rights considerations.

The United States is deeply aware of the human suffering and tragedy caused by terrorist activity. We condemn terrorism and terrorist acts. At the same time, we maintain that one atrocity cannot ever justify another. Governments have special responsibility to protect those they govern.

Western European countries and the U. S. have successfully pursued methods to deal with terrorist activity which do not violate the values and principles upon which their societies are based, and from which states derive their legitimacy.

On Argentina's role in the Bolivian coup: There have been allegations in the press and by others that the Argentine Military provided assistance to those who planned the July 17 coup. Argentina has publicly supported the military regime and is providing extensive economic assistance. We are hopeful that Argentina will use its

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considerable influence to end the extreme human rights abuses, corruption, and drug trafficking by the Bolivian military and work toward a reinstatement of democracy. Our view is that the longer the Garcia Meza regime stays in power, continues to repress the population and denies civil liberties, the more likely it is to produce the conditions under which the extreme left will gain strength, which is exactly the reason given by the GOA for its support of the coup.

Cooperation among security forces of Southern Cone countries: There have been many reports that the Argentine security forces have cooperated with those of other countries resulting in the disappearances, torture and arrests of suspected subversives. The spread of such practices is a matter of deep concern internationally. The U. N. Working Group on Disappearances is investigating some of these cases.

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